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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JAMES MADISON MCCUALEY III,)
Plaintiff,) Civil Action No. 7:07-cv-00541
)
v.)
)
MRS. C. HAWKS, et. al.,)
Defendant(s).) By: Hon. James C. Turk
) Senior United States District Judge

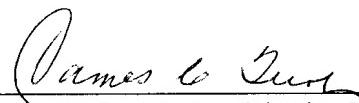
In accordance with the Memorandum Opinion entered this day, it is hereby

ADJUDGED and ORDERED

that this action shall be and hereby is **DISMISSED** without prejudice, pursuant to 28 U.S.C. §1915A(b)(1), for failure to state a claim upon which relief could be granted;² Defendant Hawks's motion to dismiss is **DENIED** as moot; and this action is hereby stricken from the active docket of the court. Plaintiff is hereby advised that the dismissal of this action counts as a "strike" against him, pursuant to 28 U.S.C. § 1915(g); if he has two additional civil actions dismissed as malicious, frivolous, or for failure to state a claim, he will be barred under § 1915(g) from filing any future civil actions in federal court without prepayment of the filing fee.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to plaintiff.

ENTER: This 16th day of November, 2007.



Senior United States District Judge

²The court notes that any possible claims under state law are dismissed without prejudice, pursuant to 28 U.S.C. § 1367(c).